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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: JORDAN FELD, AICP, SENIOR PLANNER
(480) 503-6748, JORDAN.FELD@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER AICP, PRINCIPAL PLANNER
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: OCTOBER 1, 2014

SUBJECT: Z14-17, POWELL HEIGHTS: REQUEST TO REZONE
APPROXIMATELY 13 ACRES OF REAL PROPERTY GENERALLY
LOCATED NORTHEAST OF THE NORTHEAST CORNER OF VAL
VISTA DRIVE AND CHANDLER HEIGHT BOULEVARD FROM
SINGLE FAMILY-43 (SF-43) ZONING DISTRICT TO SINGLE FAMILY-
15 (SF-15) ZONING DISTRICT WITH A PLANNED AREA
DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Community Livability

The Town's Community Livability Strategic Initiative emphasizes the importance of promoting growth while retaining its defining characteristics; the requested action furthers this initiative by fostering compatible infill development consistent with surrounding rural residential character.

RECOMMENDED MOTION

**FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO
RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR APPROVAL OF Z14-17,
AS REQUESTED, SUBJECT TO THE CONDITIONS LISTED IN THE STAFF
REPORT.**

APPLICANT/OWNER

Company: Pew & Lake, PLC
Name: Reese L. Anderson
Address: 1744 S. Val Vista, #217
Mesa, AZ 85204
Phone: 480-461-4670
Email: reese.anderson@
pewandlake.com

Company: HHB Real Estate Investing, Inc
Name: AJ Jazzar
Address: 1490 S. Price Road, #315
Chandler, AZ 85286
Phone: 480-699-1157
Email: aj.jazzar@
hhbrealestate.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>January 8, 2008</i>	Town Council adopted Annexation No. A07-77, Ordinance No. 2110.
<i>June 10, 2008</i>	Town Council adopted Rezoning No. Z08-18, Ordinance No. 2175.
<i>September 3, 2014</i>	Planning Commission held a Study Session to review and comment on Z14-17.

Overview

The site, composed of Assessor's Parcel Numbers 304-76-217A, 304-76-218A and 304-76-219B, is approximately 13 acres and located northeast of the northeast corner of Val Vista Drive and Chandler Heights Boulevard. The site was annexed and subsequently rezoned from Maricopa County Rural-43 to its current Town zoning of SF-43. While the site was originally utilized for agricultural crop production, it does not appear to have been actively farmed for at least ten years and is currently vacant, unimproved land. The parcels to the east (SF-43) and south (Community Commercial) of the site were annexed into the Town between 2007 and 2009 while the parcels to the north (large lot residential) and west (cattle production) of the site remain unincorporated Maricopa County. The site is accessed from Val Vista Drive; Val Vista Drive is a programmed major capital improvement project (ST112) that will be widened and upgraded over the next two to three years.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning
North	Residential > 0-1 DU/Acre	Maricopa County RU-43
South	Community Commercial	Community Commercial (CC)
East	Residential > 0-1 DU/Acre	Single Family-43 (SF-43)
West	Residential > 2-3.5 DU/Acre	Maricopa County RU-43
Site	Residential > 0-1 DU/Acre	Single Family-43 (SF-43)

Compliance with the General Plan

The proposed zoning district of SF-15 developed at an overall site density of 1 dwelling unit per acre is consistent with the existing General Plan Land Use Classification of Residential > 0-1 DU/Acre. The site is within the Santan Character Area (SCA); this area is envisioned as a combination of rural residential and suburban neighborhoods that can enjoy a rural environment and small scale agricultural activities. In the context of General Plan SCA goals and policies noted below, staff finds the proposed rezoning and associated development plan to be in conformance.

The SCA emphasizes outdoor living enjoyment and ability for people to live and play in a unique environment with unifying goals related to:

- Maintain existing small-scale agricultural uses.
- Maintain existing low density, rural residential neighborhoods.
- Promote a safe, livable environment for raising families.
- Encourage development of small-scale businesses that complement a rural lifestyle.
- Provide substantial buffering between different land uses and densities.

Additionally, the SCA identifies Community Design goals that have bearing on the subject request, these goals include:

- Santan Character - To distinguish from more urban areas, rustic entry yards and street signage is advocated. Enhanced landscaping that incorporates native trees and low water consumptive plants should be encouraged along rights-of-way and to sustain the Area's visual image.
- Architectural Emphasis - Low, ranch-style housing is preferred, avoiding sameness. Traditional styles and earth tone colors are favored for commercial, institutional and residential structures.

Rezoning

The subject request is to rezone the site from SF-43 to SF-15 with a PAD overlay. The PAD overlay is being requested to condition the more intense residential zoning district (being sought) to the proposed development plan and 20,000 square-foot minimum lot size. The proposed development plan shows 13 residential lots ranging in size from approximately 23,000 sf to 34,000 sf. Access to the proposed lots will be achieved through the improvement of the Powell Way alignment, which bisects the site but currently terminates at the site's eastern boundary; two connecting cul-de-sacs are also proposed to directly access Lots 6-13. Residents of the adjacent neighborhood have requested that the Powell Way improvements proposed not provide for a connection to their neighborhood as they believe this would create cut-through traffic from motorists wanting to avoid the Chandler Heights Blvd and Val Vista Dr intersection; accordingly, the development plan proposes a crash-through gate and DG treatment for the area immediately adjacent to the existing Powell Way improvements within the abutting neighborhood to allow for emergency access only.

Development Standards	Existing LDC	Proposed (Development Plan)
Zoning District	SF-43	SF-15 PAD
Min. Lot Area	43,000 sf	20,000 sf (23,247 sf)
Min. Lot Dimensions Width/ Depth	145' / 150'	110' / 120' (110' / 120')
Min. Arterial Street Frontage Landscaping Depth	20'	20' (approx. 45')
Min. Open Space Percentage	10% or if open space is not provided, increase min. lot size by 15%	Min. lot size increased more than 15%
PAD Deviations	N/A	None proposed

Analysis

The Planning Commission held a Study Session on September 3, 2014 to review and discuss the subject request. The Planning Commission generally expressed their support for the proposed rezoning and related development plan, noting however that the requested zoning district is only supported at the density shown on the development plan. Additional concerns were expressed over the lack of active open space. Staff has included conditions of approval in its recommendation to: 1) further ensure the density of the developed project maintains community expectations; 2) ensure planned off-site ROW improvements are implemented; and 3) ensure future residents of the developed project are made aware of the close proximity of ongoing agricultural activities in the area.

PUBLIC NOTIFICATION AND INPUT

A neighborhood meeting was held on July 23, 2014. Ten residents adjacent to the property or living within close proximity attended. While several questions were identified and addressed, those attending the meeting generally supported the proposed request and development plan. Community questions related to:

- Potential cut-through traffic issue
- Location of two-story homes and the size of homes
- Horse-keeping allowances
- Future residents understanding of agriculture character
- Security and dust-control during the construction process

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.

2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval to the Town Council for Z14-17 rezoning of approximately 13 acres of real property generally located north of the northeast corner of Val Vista Drive and Chandler Heights Boulevard from Single Family-43 (SF-43) zoning district to Single Family-15 (SF-15) zoning district with a Planned Area Development (PAD) overlay subject to the following conditions:

1. The site, Powell Heights Planned Area Development (PAD) shall be developed in conformance with the Town's zoning requirements for the Single Family-15 (SF-15) zoning district and all development shall comply with the Town of Gilbert Land Development Code except as modified by the following:

Zoning District	Standard	Minimum
SF-15	Minimum Lot Area (sq.ft.per d.u.)	20,000

2. Prior to final plat approval, the developer shall either enter into an Development Reimbursement Lien Agreement or shall pay Gilbert a cash-in-lieu payment for the estimated costs of design and construction of half-street improvements) on Val Vista Drive adjacent to the subject property, per the Town's CIP plans for this area (ST112), consistent with the Town of Gilbert Land Development Code, Subdivision Regulations, Section 1.107, and as determined by the Town Engineer. Such cash-in-lieu payment may include curb, gutter, sidewalks, deceleration lanes, one half of any required medians, paving, streetlights, signing, striping and landscaping, but shall not include those items that are being installed by the developer as part of its work on the subject property prior to work commencing on ST112.
3. The developer shall provide residential buyer disclosure for each lot acknowledging for current and future residents the proximity of active farming and ranching activities, including routine occurrence of odors, noises and off-hour business operations originating from said activities.

Respectfully submitted,



Jordan Feld, AICP
Senior Planner

Attachments:

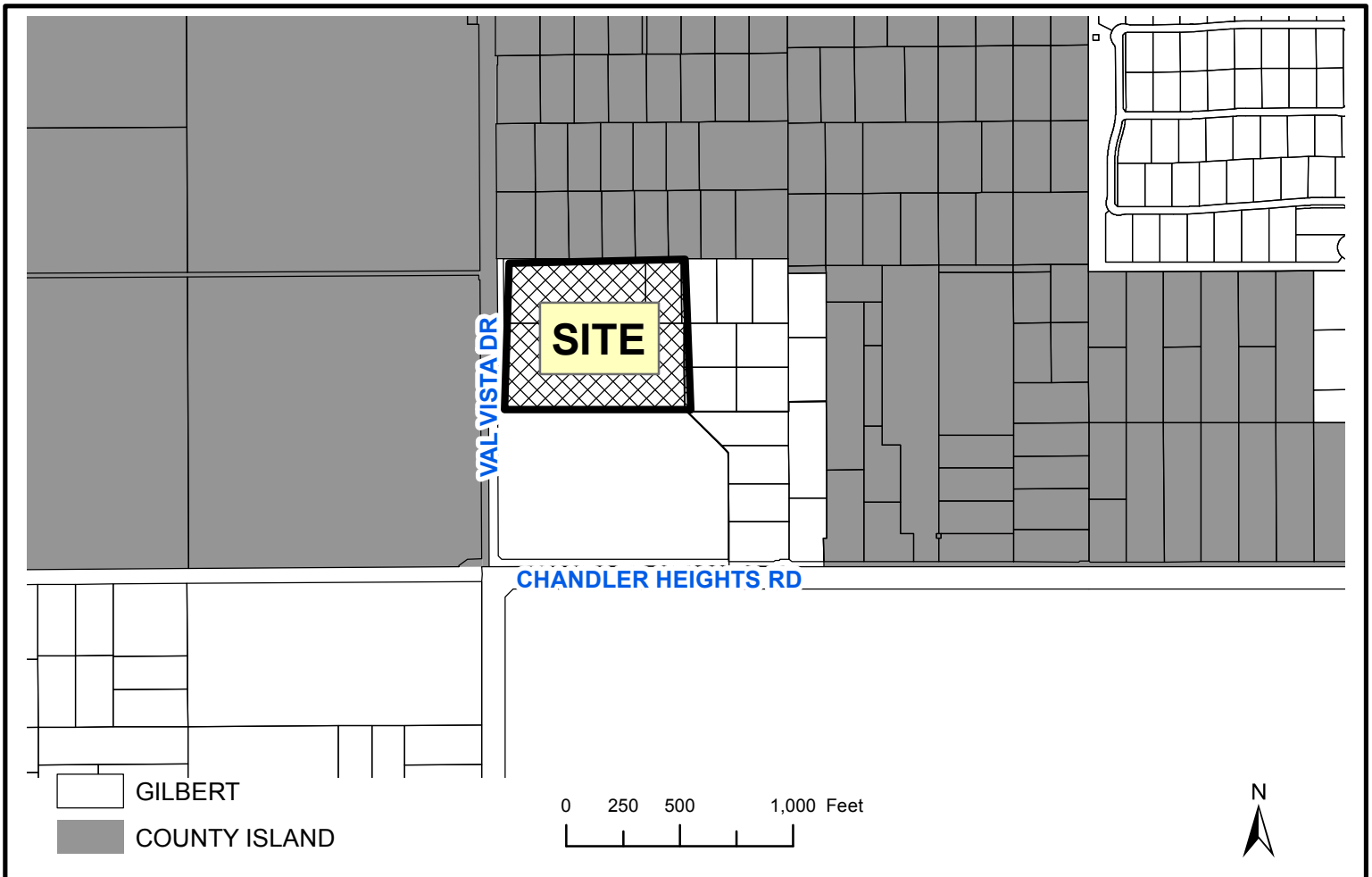
Attachment 1	Notice of Public Hearing
Attachment 2	Aerial Photo
Attachment 3	Zoning Exhibit
Attachment 4	Development Plan
Attachment 5	Minutes of the Planning Commission Study Session (9/3/14)

October 1, 2014

Notice of Public Hearing**PLANNING COMMISSION DATE:****Wednesday, October 1, 2014* TIME: 6:00 PM****TOWN COUNCIL DATE:****Thursday, October 30, 2014* TIME: 7:00 PM****LOCATION: Gilbert Municipal Center, Council Chambers****50 E. Civic Center Drive***** Call Planning Department to verify date and time: (480) 503-6700*****REQUESTED ACTION:***

Z14-17: Request to rezone approximately 13.1 acres of real property generally located north of the northeast corner of Chandler Heights Road and Val Vista Drive from Single Family-43 (SF-43) zoning district to Single Family-15 (SF-15) zoning district with a Planned Area Development Overlay zoning district to require conformance to a development plan. The effect of the rezoning will be to increase residential density.

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available the Monday prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

SITE LOCATION:**APPLICANT: Pew & Lake, PLC****CONTACT: Reese L. Anderson****ADDRESS: 1744 S. Val Vista, Suite 217****Mesa, AZ 85204****TELEPHONE: (480) 461-4670****E-MAIL: reese.anderson@pewandlake.com**



Z14-17
Attachment 2: Aerial Photo
October 1, 2014



Z14-17
Attachment 3: Zoning Exhibit
October 1, 2014

E LONESOME LN

R>2-3.5

S VAL VISTA DR

E VIA DEL RANCHO

E VIA DEL RANCHO

S 155TH ST

E VIA

E POWELL WAY

R>0-1

E CAMINA PLATA CT

S 154TH PL

S 154TH ST

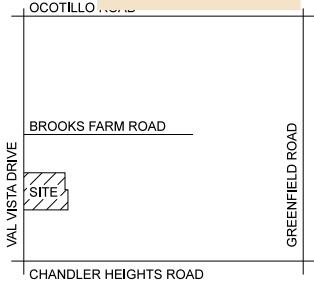
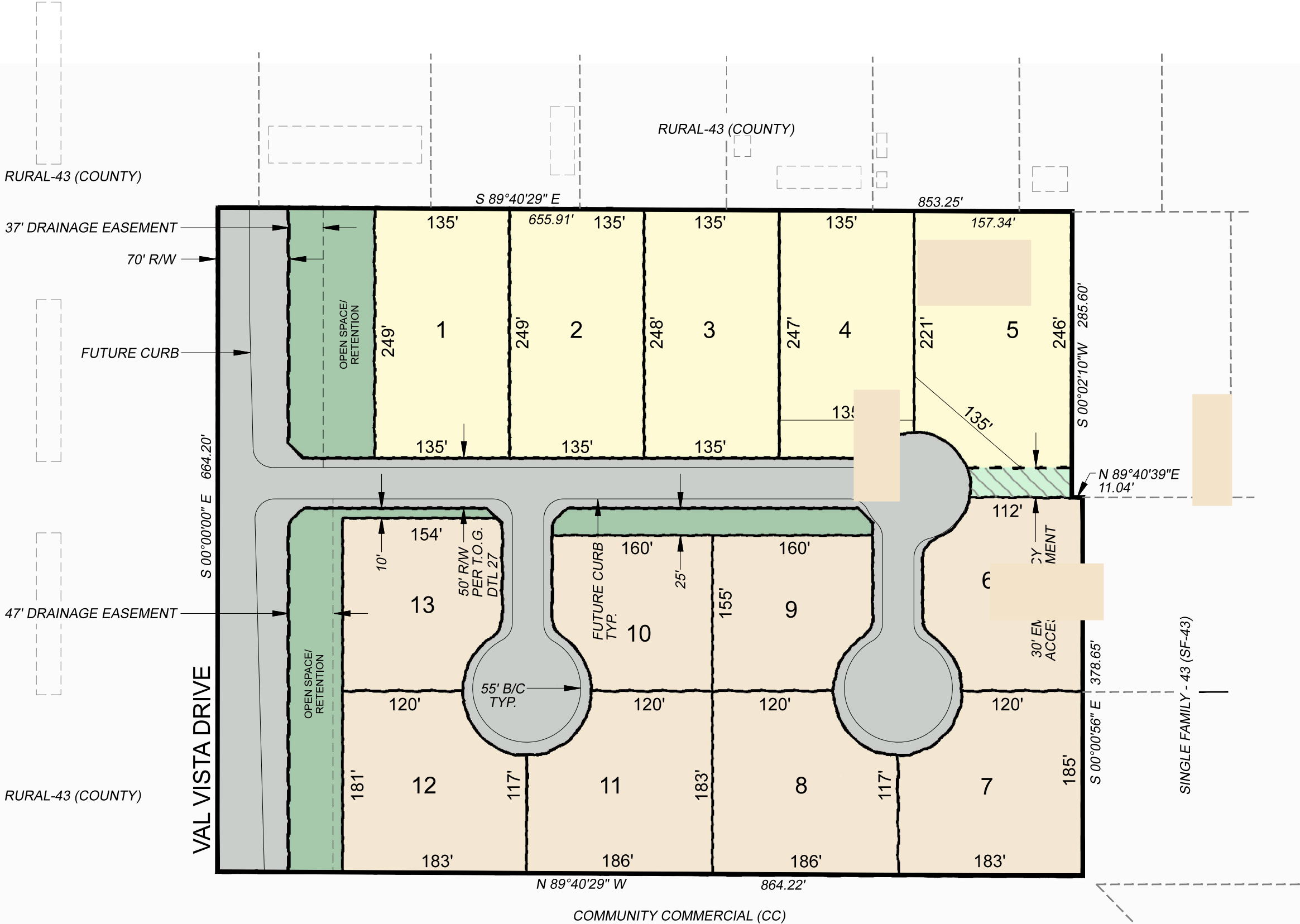
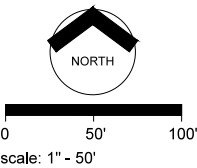
S 155TH ST

CC

E CHANDLER HEIGHTS RD

S 150TH ST

R>2-3.5



VICINITY MAP
NOT TO SCALE



PROJECT DATA TABLE

GROSS ACRES	13.11 ACRES
NET ACRES	12.49 ACRES
CURRENT ZONING DISTRICT	SINGLE FAMILY-43 (SF-43)
PROPOSED ZONING DISTRICT	SINGLE FAMILY-15 (SF-15)
CURRENT GENERAL PLAN DESIGNATION	RESIDENTIAL > 0.1
DU/AC	1 DU/AC
PROPOSED GENERAL PLAN DESIGNATION	1 DU/AC
NUMBER OF LOTS	
DENSITY	
OPEN SPACE	

LOT DEVELOPMENT STANDARDS

ZONING/ DEVELOPMENT STANDARD	EXISTING SINGLE FAMILY-43 (SF-43)	PROPOSED SINGLE FAMILY-15 (SF-15; PAD)
MINIMUM LOT AREA (SQ. FT.) (NET)	43,000	15,000
MINIMUM LOT DIMENSIONS (FT.)		
WIDTH	145	110
DEPTH	150	120
MAXIMUM BLDG HEIGHT (FT.)	35	30
/ STORIES	2	2
MINIMUM BLDG SETBACKS (FT.)		
FRONT	40	30
SIDE	30	15
REAR	40	30
MAXIMUM LOT COVERAGE (%)		
1-STORY	30	35
2-STORY	30	35
COMMON OPEN SPACE (MINIMUM)	10% OF NET SITE	10% OF NET SITE

LEGAL DESCRIPTION

PARCEL NO. 1

A PORTION OF RANGE 6 EAST, TOWNSHIP 2 SOUTH, MARICOPA COUNTY, ARIZONA, SECTION 21, TOWNSHIP 2 SOUTH, BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN ON THE RECORD OF SURVEY RECORDED IN BOOK 1170 OF MAPS, PAGE 35, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 864.20 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE NORTH LINE OF PARCEL NO. 2, DESCRIBED IN SAID WARRENTY DEED, AS SHOWN ON SAID RECORD OF SURVEY; THENCE ALONG SAID LINE AND THE NORTH LINE OF SAID PARCEL NO. 2, SOUTH 89 DEGREES 40 MINUTES 39 SECONDS EAST 853.25 FEET TO THE NORTHEAST CORNER OF PARCEL NO. 3, DESCRIBED IN SAID WARRENTY DEED, AS SHOWN ON SAID RECORD OF SURVEY; THENCE ALONG THE EAST LINE OF SAID PARCEL NO. 3, SOUTH 00 DEGREES 02 MINUTES 10 SECONDS WEST 285.60 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL NO. 1; THENCE ALONG THE NORTH LINE OF SAID PARCEL NO. 1, SOUTH 89 DEGREES 40 MINUTES 50 SECONDS EAST 110.04 FEET TO THE NORTHEAST CORNER OF SAID PARCEL NO. 1; THENCE ALONG THE EAST LINE OF SAID PARCEL NO. 1, SOUTH 00 DEGREES 00 MINUTES 56 SECONDS EAST 378.65 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL NO. 1; THENCE ALONG THE SOUTH LINE OF SAID PARCEL NO. 1 AND THE WESTERLY PROLONGATION THEREOF, NORTH 89 DEGREES 40 MINUTES 29 SECONDS WEST 864.22 FEET TO THE POINT OF BEGINNING.

COMPRISING 13.105 ACRES OR 670,846 SQUARE FEET, SUBJECT TO ALL EASEMENTS OF RECORD.

Chairman Wittmann said that in terms of the Use Permit specifically for this case and the criteria required, this plan as designed today does not meet that criteria. She said that she would need additional information and design in order to support the use permit request based on those findings.

Chairman Wittmann announced that as they were running late in the study session they would hear item 3 on the agenda, case Z14 – 17 and postpone item 4, Z14 – 15B to be heard at the end of the public hearing as it is more of a staff issue than it is an applicant item.

Z14-17, POWELL HEIGHTS: REQUEST TO REZONE APPROXIMATELY 13 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTHEAST OF THE NORTHEAST CORNER OF VAL VISTA DRIVE AND CHANDLER HEIGHT BOULEVARD FROM SINGLE FAMILY-43 (SF-43) ZONING DISTRICT TO SINGLE FAMILY-15 (SF-15) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

Senior Planner Jordan Feld stated that this was approximately 13 acres with 13 lots proposed with a one dwelling unit per acre density which is consistent with the General Plan. The proposed development plan shows 13 residential lots ranging in size from approximately 23,000 sf to 34,000 sf. The applicant had two public meetings and at the first meeting there was input received from the surrounding neighborhoods to reduce the density. The site plan proposed currently was reviewed by the neighborhood at the second follow-up meeting and the neighborhood is very supportive of the project. Staff is working with the applicant to address the Val Vista widening project and the right of way needs through that as well as any drainage issues to the site. One of the key concerns of the neighbors was making sure that Powell Way did not go through so at the eastern end of the subject site there will be a crash gate and open space and Powell Way will not connect from the east to Val Vista drive. Fire has reviewed the request and seems to be comfortable with it.

Vice Chairman Oehler asked if design of the site plan includes the expanse in the street as already what Val Vista will expand into.

Planner Feld said that it was very close and may be off by 5 feet on the southern boundary but staff will revise that.

Vice Chairman Oehler said that his question was in terms of the open space retention which he could see as open but not active. He asked if there was a use to that or an idea as to what was going to happen with it.

Planner Feld said that it would be passive open space and would be used for retention purposes as well as a greenbelt along Val Vista.

Vice Chairman Oehler said that with it being retention it won't be an active open space.

Planner Feld said that the objective is to be a passive open space.

Vice Chairman Oehler said that he was looking at perhaps moving it over and bringing it closer to the Street and bringing it into the middle of the property and having an active space for the community.

Planner Feld said that staff could work with the applicant to see if that was possibility.

Chairman Wittmann said that she did not have any particular concerns over the layout or the design and the basis for her support would be based on the PAD being included and the site plan being stipulated.

Planner Feld said that if for some reason the property changed hands and the desire was to go denser they would have to come back with a General Plan Amendment and the neighborhood is very much fixated on the site plan being part of the project and that it be stipulated as a condition to the PAD.

Vietnam War Memorial Presentation